

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Case No: 17-12155
	:	
Paul D. Breyer	:	
	:	
Debtor	:	Chapter 7

ORDER

AND NOW, this ____ day of _____, 2018, upon Motion of the Debtor to avoid a judicial lien held by Discover Bank in personal property and/or real property of the Debtor located at 2661 Elbridge Street, Philadelphia, Pennsylvania 19149.

AND, the Debtor having asserted that the alleged lien arising from the judgment entered at Philadelphia Municipal Court No. SC-16-05-02-3127 is subject to avoidance pursuant to 11 U.S.C. § 522(f),

AND, the Debtor having certified that adequate notice of the Motion was sent to the Respondent, and that no answer or other response to the Motion has been filed,

It is hereby **ORDERED** that the Motion is **GRANTED** by default.

It is further **ORDERED**, subject to 11 U.S.C. § 349(b), that the judicial lien held by the Respondent, if any, in the real property of the Debtors and/or the personal property of the Debtor listed and claimed s exempt in Schedule C of the Debtor's bankruptcy schedules is **AVOIDED**.

BY THE COURT:

J.

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	:	
Paul D. Breyer	:	
	:	
Debtor	:	Chapter 7

**DEBTORS' MOTION TO AVOID JUDICIAL
LIEN OF DISCOVER BANK ON EXEMPT PROPERTY**

Now comes Debtor Paul D. Breyer ("Debtor") by and through his counsel, Kenny, Burns & McGill, files this Motion to Avoid the Judicial Lien of Discover Bank and states as follows:

1. The Debtor filed a petition for relief under Chapter 7 of the Bankruptcy on March 29, 2017.
2. The Debtor seeks to avoid the judicial lien of Discovery Bank (the "Lien") which was created by the filing of a judgment on February 10, 2017 at in Philadelphia Municipal Court No. SC-16-05-02-3127.
3. Prior to the filing of Debtor's petition, Discover obtained and recorded a prejudgment writ of attachment against certain real property owned by Debtor on or about February 10, 2017.
4. Said property included 2661 Elbridge Street, Philadelphia, Pennsylvania 19149.
5. On or about August 25, 2017, this Court granted Debtor a discharge pursuant to 11 U.S.C. § 727.

WHEREFORE, for at least the foregoing reasons, Debtor hereby respectfully requests this Honorable Court for an order avoiding the Discover Bank lien.

Respectfully submitted,

Kenny, Burns & McGill.

By: /s/Thomas D. Kenny
Thomas D. Kenny
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Dated: February 23, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Debtor's Motion to Reopen Case was served this 23rd day of February 2018, on the following by first-class mail and/or electronic filing system:

Christine C. Shubert, Trustee
821 Wesley Avenue
Ocean City, NJ 08226

United States Trustee
Office of the U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107

Michael J. Dougherty, Esquire
Weltman, Weinberg & Reis Co., LPA
170 S. Independent Mall W., Suite 874W
Philadelphia, PA 19106

Matteo S. Weiner, Esquire
Thomas Puleo, Esquire
KML Law Group, P.C.
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Kenny, Burns & McGill.

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